



MARYLAND GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

**SYNOPSIS OF EMERGENCY REGULATIONS**

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact Marie Razulis, George Butler, or Crystal Lemieux at the number below.

<b>Date Received</b>	<b>Title and Summary</b>	<b>Public Hearing Scheduled, *if any</b>	<b>Date &amp; Summary of any action</b>
December 20, 2016	<b>Emergency/Proposed Regulations DLS Control No. 16-405 Department of Labor, Licensing, and Regulation: Racing Commission: Prohibited Acts: COMAR 09.10.03.02</b>  The purpose of this action is to amend existing language that will modify the number of points assigned to a trainer who has been found in violation of the medication rules,		

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	<p>provide for discretion in the event a violation is determined to be environmental and alter the length of time assigned points expire.</p> <p>The proposed amendments have been recommended for adoption as part of a national uniform medication effort. The request for emergency status will allow Maryland to be current and uniform with other racing jurisdictions in a timely manner.</p>		
December 2, 2016	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-337</b>  <b>Department of Labor, Licensing, and Regulation:</b>  <b>Board of Public Accountancy: General Regulations:</b>  <b>COMAR 09.24.01.09</b></p> <p>The purpose of this action is to amend the regulations governing fees to reflect the section fees assessed to candidates who take the Uniform CPA Examination. The fees charged for the four examination sections would reflect the fees established by the examination vendors for the administration of the candidate database, test development, test taking, security, and grading of the exam. The regulations would eliminate the need for the board to enact new regulations every time the examination is modified and improved. The regulation also renumbers the remaining regulations to reflect the amendments.</p> <p>The National Association of State Boards of Accountancy has notified the Maryland State Board of Public</p>		

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	<p>Accountancy of an unexpected change to the implementation date concerning an increase to the fees charged to the board for the Uniform CPA Examination. The new fee increase is now to go into effect on January 1, 2017. The board's current regulations do not allow for the increase in the examination fee, and the board cannot address the issue through the regular proposal process in time. Based on the monthly average of examination candidates, the board stands to lose approximately \$2,500 per month until such time as it can adjust the examination fee charged to candidates. As a result, the board has requested emergency status for this regulation.</p>		
<p>November 9, 2016</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-295</b>  <b>Department of Natural Resources:</b>  <b>Fisheries Service: Yellow Perch: COMAR 08.02.21.03</b></p> <p>The purpose of this action is to change the size limits for commercial hook and line to be consistent with other commercial harvest methods.</p>		
<p>November 3, 2016</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-282</b>  <b>Department of Labor, Licensing, and Regulation:</b>  <b>Division of Labor and Industry: Maryland</b>  <b>Apprenticeship and Training: COMAR 09.12.43.02 and 05</b></p>		

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	<p>The purpose of this action is to amend the regulations to allow for competency based apprenticeship programs. This regulatory change is necessary in order to come into conformity with United States Department of Labor federal standards of apprenticeship.</p> <p>The U.S. Department of Labor, Office of Apprenticeship regulations at 29 CFR Part 29 require that the State recognize apprenticeship programs that measure an apprentice's progress against a competency based approach. This regulation will make Maryland's regulations consistent with U.S. DOL rules. The State has been awarded grants in furtherance of competency based apprenticeships but needs regulatory authority to implement. There is a competency-based apprenticeship program application pending before the Maryland Apprenticeship and Training Council.</p>		
October 14, 2016	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-251</b>  <b>Maryland Insurance Administration:</b>  <b>Miscellaneous: Privacy of Consumer Financial and Health Information: COMAR 31.16.08.06</b></p> <p>Emergency Status is necessary, as this regulation is presently inconsistent with 2015 amendments to section 503 of the federal Gramm-Leach-Bliley Act (15 U.S.C. 6803). Federal law provides for an exception to certain annual notice requirements that COMAR does not presently recognize. Emergency adoption will confer an immediate benefit upon insurers and producers</p>		

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	(licensees of the MIA) by providing language relieving them from having to send their customers an annual privacy notice where they comply with other requirements concerning any disclosure of personally identifiable financial information and only in situations where the licensee's practices and policies regarding disclosure have not changed since the last notice sent to their customer. The emergency action will also confer a benefit upon consumers relieving them from receiving duplicative annual notices, such that only new or changed notices will be received.		
September 14, 2016	<p><b>Emergency/Proposed Regulation</b>  <b>DLS Control No. 16-209</b>  <b>Department of Agriculture:</b>  <b>Soil and Water Conservation: Agricultural Operation Nutrient Management Plan Requirements:</b>  <b>COMAR 15.20.07.02</b></p> <p>Emergency approval is requested so that this fall, agricultural operations subject to the Nutrient Management Law have greater flexibility in applying nutrients to farm fields to avoid the potential for emergency applications in winter.</p>		
August 12, 2016	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-182</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Health Services Cost Review Commission:</b>  <b>Rate Application and Approval Procedures:</b></p>		

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	<p><b>COMAR 10.37.10.03</b></p> <p>The purpose of this action is to extend a moratorium on the filing of regular rate applications given the progression of the all-payer model.</p>		
August 8, 2016	<p><b>Emergency/Proposed Regulation</b>  <b>DLS Control No. 16-180</b>  <b>Department of Agriculture:</b>  <b>Pesticide Use Control: Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses:</b>  <b>COMAR 15.05.01.02</b></p> <p>The Secretary of the Department of Agriculture requests emergency status so that current marijuana growers recently licensed by the State Medical Cannabis Commission will be aware of the Department's new pesticide use restrictions.</p> <p>The purpose of this action is to prohibit the use and registration of a pesticide to control plant pests when growing Cannabis, but to allow limited pesticide use for the unrelated purpose of disinfection or sanitation before growth. The Secretary of Agriculture has determined that the application of pesticide to Cannabis may pose a health risk for human consumption because no pesticides have been registered for this use by the U.S. Environmental Protection Agency and no risk assessment to human health has been performed. This action also establishes a procedure to be followed by a person who seeks the</p>		

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	Secretary's approval for the use of a pesticide on Cannabis.		
July 11, 2016	<p><b>Emergency Regulation</b>  <b>DLS Control No. 16-151</b>  <b>State Board of Education:</b>  <b>Students: General Regulations:</b>  <b>COMAR 13A.08.01.02-3</b></p> <p>HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 and effective July 1, 2016) requires the State Board of Education to adopt regulations to implement the new provisions of law concerning the Kindergarten Readiness Assessment before the 2016/2017 school year. The adoption of standard regulations, which require notice and comment period, could not be adopted in the timeframe required by HB 657. Thus, emergency regulations are being proposed to implement the provisions of HB 657.</p>		Emergency status beginning August 26, 2016 and expiring January 23, 2017.
June 21, 2016	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-129</b>  <b>Department of Public Safety and Correctional Services:</b>  <b>Division of Correction: Inmate Mail:</b>  <b>COMAR 12.02.20.01 - .08</b></p> <p>Data has confirmed that inmate mail is the method of choice for introducing suboxone into State Correctional and Detention facilities. Emergency action is necessary</p>		Withdrawn by department on July 20, 2016

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	<p>to implement measures to reduce the influx of suboxone into these facilities to protect the inmates.  Emergency action will place these procedures in effect during the period the department will promulgate amendments to COMAR 12.02.20.01 - .08.</p>		
June 17, 2016	<p><b>Emergency Regulations</b>  <b>DLS Control No. 16-123</b>  <b>Department of Public Safety and Correctional Services:</b>  <b>Parole Commission: General Regulations:</b>  <b>COMAR 12.08.01.17 and .18</b></p> <p>The department requires immediate implementation in order to address issues surfacing as the result of parole cases involving offenders who were juveniles when the individual committed the crime for which the offender is incarcerated.</p>		
May 20, 2016	<p><b>Emergency Regulation</b>  <b>DLS Control No. 16-105</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Housing: Health and Medication Requirements for Youth Camps: COMAR 10.16.07.14</b></p> <p>The purpose of this emergency action is to promulgate regulations for youth camps pertaining to the management and administration of medications for camp attendees for the 2016 camp season.</p>		



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	<p>This emergency action is being requested because the camp season generally starts around Memorial Day. The previous medication administration regulations for youth camps were repealed in anticipation of this revision.</p>		
May 6, 2016	<p><b>Emergency Regulation</b>  <b>DLS Control No. 16-071</b>  <b>Department of Agriculture:</b>  <b>Board of Veterinary Medical Examiners: Fees:</b>  <b>COMAR 15.14.12.02</b></p> <p>Notice of reduced fees has to be provided by the State Board of Veterinary Medical Examiners as soon as possible because registrations are done online to meet the July 1, 2016 date for registering veterinary technicians and veterinary hospitals to avoid a late fee.</p>		
April 27, 2016	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 16-064</b>  <b>Department of Labor, Licensing, and Regulation:</b>  <b>Racing Commission: Prohibited Acts:</b>  <b>COMAR 09.10.03.01-1</b></p> <p>The purpose of this emergency action is to (1) add four therapeutic medications that would otherwise not be permitted to be present in a horse's system on race day provided the amount of medication does not exceed the stated threshold and (2) to alter an existing threshold on two previously approved therapeutic medications.</p>		<p>Emergency status beginning May 24, 2016 and expiring November 15, 2016.</p>

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	<p>The thresholds being proposed have been adopted by other States in the Mid-Atlantic area. To be consistent, the Racing Commission is requesting that these thresholds be adopted as quickly as possible to maintain consistency in the Mid-Atlantic racing states.</p>		
<p>December 10, 2015</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-412</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Health Services Cost Review Commission: Rate Application and Approval Procedures:</b>  <b>COMAR 10.37.10.07-1</b></p> <p>The purpose of this action is to allow the Health Services Cost Review Commission to set rates for outpatient services associated with the federal 340B Program in anticipation of the hospital's obtaining federal provider-based status.</p>		
<p>November 20, 2015</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-370</b>  <b>Department of Natural Resources:</b>  <b>Fisheries Service: Striped Bass: COMAR 08.02.15.07</b></p> <p>The purpose of the action is to allow a commercial licensee to harvest striped bass from another licensee's gill net or pound net. Natural Resources Article, § 4-505, Annotated Code of Maryland prohibits a person from catching and carrying away fish from another person's net. The law clearly says you have to fish your own gear, and that fishing another person's gear is prohibited. By</p>		

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	<p>regulation, gill nets used for striped bass have to have “Each marker, cork, or float marked with the licensee’s commercial tidal fish number; or a float line with a marker permanently affixed every 50 feet bearing the licensee’s commercial tidal fish number” (COMAR 08.02.15.07C(1)(d)). During the 2014/2015 gill net season, there was a request to allow a person with striped bass quota to get on another licensee’s boat and use the other licensee’s marked gill net to catch his quota. During discussions with industry workgroups and advisory commissions the Department received additional requests to consider allowing a licensee to be on a different boat, but harvesting from the same gill net and to include the same provision for harvest from pound nets.</p>		
November 20, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-366</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Health Services Cost Review Commission: Rate Application and Approval Procedures:</b>  <b>COMAR 10.37.10.03 and .03-1</b></p> <p>The purpose of this action is to establish a moratorium on the filing of regular rate applications pending the development and approval of rate efficiency measures that are consistent with the all-payer model.</p>		
November 19, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-365</b>  <b>Department of Labor, Licensing, and Regulation:</b></p>		

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	<p><b>Division of Labor and Industry: Equal Employment Opportunity: COMAR 09.12.42.01</b></p> <p>These regulations will amend COMAR 09.12.42 and reference back to proposed regulations COMAR 09.01.12 Apprenticeship Maryland, a new chapter which will implement Ch. 646, Acts of 2014, and became effective on October 1, 2014. The adoption of COMAR 09.01.12 is also being filed as an Emergency Action.</p>		
November 19, 2015	<p><b>Emergency/Proposed Regulations DLS Control No. 15-364 Department of Labor, Licensing, and Regulation: Division of Labor and Industry: Maryland Apprenticeship and Training: COMAR 09.12.43.01</b></p> <p>These regulations will amend COMAR 09.12.43 Maryland Apprenticeship and Training and reference back to proposed regulations COMAR 09.01.12 Apprenticeship Maryland, a new chapter which will implement Ch. 646, Acts of 2014, and became effective on October 1, 2014. The adoption of COMAR 09.01.12 is also being filed as an Emergency Action</p>		
November 19, 2015	<p><b>Emergency/Proposed Regulations DLS Control No. 15-363 Department of Labor, Licensing, and Regulation: Office of the Secretary: COMAR 09.01.12.01-.08</b></p> <p>These regulations will implement Ch. 646, Acts of 2014, which became effective on October 1, 2014</p>		

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November 6, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-340</b>  <b>Department of Labor, Licensing, and Regulation:</b>  <b>Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors –</b>  <b>Real Estate Appraisers: Code of Ethics:</b>  <b>COMAR 09.19.05.01</b></p> <p>The purpose of this action is to amend regulation .01 under COMAR 09.19.05 to incorporate by reference the 2016-2017 edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”), which were enacted by the Appraisal Standards Board of the Appraisal Foundation, effective January 1, 2016, and with which licensed and certified real estate appraisers are required, by federal mandate, to comply.</p>		Emergency status beginning January 1, 2016 and expiring June 1, 2016.
September 23, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-256</b>  <b>Maryland Insurance Administration:</b>  <b>Powers and Duties – Hearings:</b>  <b>Public Information Act Requests:</b>  <b>COMAR 31.02.05.01, .02, .03, .04, .06, .08, and .09</b></p> <p>The purpose of this action is to update chapter .05 of this subtitle consistent with recently enacted legislation.</p> <p>HB270 (Chapter 94 of 2014) recodified the Maryland Public Information Act into Title 4 of a new article entitled “General Provisions.” Exemptions and other provisions of the law were reorganized at the same time,</p>		Emergency status beginning November 5, 2015 and expiring March 29, 2016.

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	<p>requiring updates to certain cross references and the enabling authority for these regulations.</p> <p>HB755 (Chapter 136 of 2015) made significant substantive revisions to the Act. Consistent with these statutory changes, these proposed regulations update: definitions; requirements regarding the Maryland Insurance Administration's written response to a Public Information Act request; and provisions regarding fee calculations and requestor payment obligations.</p>		
July 23, 2015	<p><b>Emergency/Proposed Regulation</b>  <b>DLS Control No. 15-162</b>  <b>Department of Transportation:</b>  <b>Motor Vehicle Administration — Vehicle Registration: Rejection of Registration Plates:</b>  COMAR 11.15.29.01</p>		<p>Emergency status beginning August 12, 2015 and expiring January 27, 2016.</p>
July 8, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-151</b>  <b>Department of Transportation:</b>  <b>Maryland Transportation Authority: Electronic Toll Collection and Toll Violation Enforcement:</b>  COMAR 11.07.07.02, .04, .06, .08, and .09</p> <p>The purpose of this action is to make the definitions consistent with statute, correct a reference error, and detail business practices in compliance with House Bill 1241, Chapter 122, Acts of 2015.</p>		
June 29, 2015	<p><b>Emergency/Proposed Regulations</b></p>		

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	<p><b>DLS Control No. 15-129</b>  <b>Maryland State Lottery and Gaming Control Agency:</b>  <b>Table Games: Double Draw Poker Game:</b>  COMAR 36.05.19.01 - .13</p> <p>The purpose of this action is to allow facility operators to offer a new poker game under COMAR 36.05.19: Double Draw Poker, to set wagers, payout odds, and rankings for this poker style game, and to establish procedures for dealing cards and determining completion of game play.</p>		
June 29, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-128</b>  <b>Maryland State Lottery and Gaming Control Agency:</b>  <b>Table Games: Blackjack Rules:</b>  COMAR 36.05.04.02, .06, .13</p> <p>The purpose of this action is to update the regulations under the Blackjack Rules in order to (1) add the Super 4 Progressive side wager to Blackjack; (2) remove the requirement to inscribe on the table “Dealer shall draw to 16 and stand on all 17s”; and (3) add the Super 4 Progressive side wager odds to Blackjack.</p>		
June 23, 2015	<p><b>Emergency/Proposed Regulation</b>  <b>DLS Control No. 15-119</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Local Agency:</b>  COMAR 10.54.02.18</p>		Emergency status beginning August 6, 2015 and expiring February 2, 2016.

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	<p>The purpose of this emergency action is to amend regulation .18 under COMAR 10.54.02 Local Agency. This emergency action will reflect changes in funding that will affect the amounts local agencies will be paid for providing WIC Program services. There is a net increase in the total amount local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.</p> <p>This emergency action is being requested because payment amounts are predicated upon the amount awarded by the United States Department of Agriculture (USDA). The Maryland WIC Program received this information in April of 2015. In order to implement the new rates at the beginning of the next State fiscal year, amendments to the regulation must be effective on July 1, 2015. Because the process of regulation promulgation generally takes four to six months, the Department of Health and Mental Hygiene respectfully requests permission to adopt provisions on an emergency basis to address this matter effective July 1, 2015, and lasting until December 27, 2015. In the meantime, amendments for COMAR 10.54.02.18 will be promulgated in the usual manner.</p>		
June 18, 2015	<p><b>Emergency Regulation</b>  <b>DLS Control No. 15-115</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Housing: Certification for Youth Camps:</b></p>		<p>Emergency status beginning July 8, 2015 and expiring January 3, 2016.</p>



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	<p>COMAR 10.16.06.33</p> <p>The purpose of this emergency action is to authorize a staff member or volunteer who has successfully completed a training course acceptable to the Department of Health and Mental Hygiene to administer nonprescription or prescription medication to campers. This emergency action is being requested to utilize the recent exemption granted to youth camps in the Maryland Board of Nursing regulations (see Proposed / Emergency COMAR 10.27.11.01). The emergency action is being submitted in order to allow camps to utilize the provisions this season, rather than having to wait until next year. The department has been informed that youth camps are already prepared to employ the regulations' provisions in the current year.</p>		
June 5, 2015	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 15-105</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Board of Social Work Examiners: Continuing Education Requirements:</b>  COMAR 10.42.06.02-.04, .07, .08, .10 and .11</p> <p>This emergency action is being requested because the Board of Social Work Examiners wants this regulation change in place to accommodate those who will renew their license later this year. Currently, licensees have until August 31 to request an extension of time to complete the required continuing education units. This proposal will give licensees until October 1 to request an</p>		<p>Emergency status beginning July 8, 2015 and expiring January 3, 2016.</p>

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	extension. This proposal also requires licensees to keep records of continuing education units for three years instead of two; requires the board to issue a decision regarding a request for an extension within 21 businesses days, instead of 45; and corrects the title of Licensed Social Work Associate to Licensed Bachelor Social Worker to be consistent with statute.		
March 24, 2015	<p><b>Emergency/Proposed Regulation</b>  <b>DLS Control No. 15-038</b>  <b>Department of Health and Mental Hygiene:</b>  <b>Board of Nursing: Delegation of Nursing Functions:</b>  COMAR 10.27.11.01</p> <p>The purpose of this proposal is to amend regulation .01 so as to provide an exception for youth day camps from those settings where a Delegating Nurse Case Manager would ordinarily be required.</p>		Emergency status beginning July 8, 2015 and expiring January 3, 2016.